

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN DIEGO REGION**

**ORDER NO. 2001-316**

**ADMINISTRATIVE CIVIL LIABILITY  
AGAINST  
NEVADA INVESTMENT HOLDINGS, INC.  
NONCOMPLIANCE WITH  
ORDER NO. 96-41 NPDES NO. CAG919002**

The San Diego Regional Water Quality Control Board (hereinafter SDRWQCB), having held a public hearing on October 24, 2001, to hear evidence and comments on the allegations contained in Complaint No. 2001-244(rev), dated September 25, 2001, and on the recommendation for administrative assessment of Civil Liability in the amount of \$15,000 finds as follows:

1. On June 13, 1996, SDRWQCB adopted Waste Discharge Requirements for Order No. 96-41 (NPDES No. CAG919002), a General Groundwater Dewatering/Remediation Permit. On May 6, 1997, Nevada Investment Holdings was approved to discharge wastewater from the Dewatering/Remediation Project, located at 1702 Oceanside Blvd. in the city of Oceanside. The site discharges to the Loma Alta Creek through a storm water drain, according to the Discharge Requirements set forth in Order 96-41.
2. In September 2000, the discharger's self-monitoring report (SMR) indicated discharge concentrations of total nitrogen and chronic toxicity beyond the permitted limits; dissolved oxygen was reported below the minimum permitted limit for two days during the month.
3. In November 2000, the discharger's SMR indicated one day of discharge of dissolved oxygen below the minimum permitted limit.
4. In December 2000, the discharger's SMR indicated discharge concentrations of total phosphorus, chronic toxicity and dissolved oxygen beyond the permitted limits.
5. Under Section 13385(i) of the Porter-Cologne Water Quality Control Act, each of the eight violations is subject to mandatory penalties as outlined in the following chart:

***Chronic Violations and Penalty Assessment (9/2000 – 12/2000)***

Month of Violation (2000)	Violation	Permitted Limit	Reported Value	Chronic/Serious	Chronic Running Total	Fine (\$)
September	Total Nitrogen	2.0 mg/L	4.0 mg/L	chronic	1	0
September	Dissolved Oxygen	>5.0 mg/L	1.0 mg/L	chronic	2	0
September	Dissolved Oxygen	>5.0 mg/L	1.0 mg/L	chronic	3	0
September	Chronic Toxicity	1 TU <sub>C</sub>	> 2 TU <sub>C</sub>	chronic	4	3,000
November	Dissolved Oxygen	>5.0 mg/L	1.0 mg/L	chronic	5	3,000
December	Total Phosphorus	0.2 mg/L	0.31 mg/L	chronic	6	3,000
December	Chronic Toxicity	1 TU <sub>C</sub>	> 2 TU <sub>C</sub>	chronic	7	3,000
December	Dissolved Oxygen	>5.0 mg/L	3.5 mg/L	chronic	8	3,000

Total Penalty      \$15,000

6. The total amount of the mandatory penalty is \$15,000.
7. Issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 21000), in accordance with Section 15321, Chapter 3, Title 14, California Code of Regulations.

**IT IS HEREBY ORDERED**, pursuant to Section 13385 of the California Water Code that Nevada Investment Holdings, Inc. is assessed a total mandatory penalty of \$15,000, to be paid by October 24, 2001. The check is to be made out to the State Water Resources Control Board.

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JOHN H. ROBERTUS, Executive Officer

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Date